

Remarks

The paragraph on page 5, lines 10-14 of the specification, has been canceled. A replacement paragraph has been added.

Original claims 1-12 have been canceled.

New claims 13-16 have been added.

New claim 13 is a rewrite of canceled claim 9.

New claim 14 is a rewrite of canceled claim 11.

New claim 15 is a rewrite of canceled claim 12.

Claim 16 is a new claim.

Applicant is grateful for the interview with Examiners Okezie and Kramer on March 24, 2005, and for the telephone interview with Examiner Okezie on April 6, 2005.

Applicant proposed several method claims at the March 24 interview. In considering these claims the examiners expressed concern that they may be new matter, not supported by the disclosure in the application.

Applicant submits that the disclosure in the application does support the use of a long rod that will extend under a plurality of spikes. See the following explanation.

Figures 1 and 2 are described on page 3 of the application as perspective views with parts broken away. Not all of the spikes are shown. Both of these drawings show the rod and rake under only the first of two spikes away from the workman. The description of Figure 1 in lines 6 and 7 on page 3, describes the rake on the long rod as being pushed "*over debris and beneath spikes in a gutter to a desired position*" (emphasis added).

This is consistent with the passage on page 5, lines 10-14, where it is said:

Figure 1 shows the workman W pushing the rod 19 and its rake 11 outwardly from the ladder L in the gutter G to a desired position P. The desired position P was selected by the workman as being the most beneficial position to begin raking in some of the pine straw and debris D within the gutter on the left side of the ladder.

Unfortunately, the desired position P is not shown in Figure 1. That is an obvious mistake. Desired position P is actually shown in Figure 2. The mistake has been corrected with a replacement of the foregoing paragraph.

Significantly, Figure 1 and Figure 2 are both drawn with parts broken away. There are spikes that are not shown between the second spike in Figure 1 and the first spike in Figure 2. The desired position P is shown in Figure 2 to be beyond the second spike away from the workman. Figure 2 positively shows the rod and rake to pass at least two spikes to reach desired position P.

There is teaching in applicant's specification and original claims that each element of applicant's apparatus - the rod, rake, hoe and scoop - pass beneath spikes (page 2, line 12; page 2, lines 20-21; page 3, lines 6-7; page 4, lines 14-17; page 6, lines 3-4; page 6, line 17; page 7, line 2; page 7, lines 21-22; claim 6, line 3; and claim 9, lines 12-13. There is no teaching or suggestion in the application as filed of any of applicant's apparatus going over or around the spikes while collecting leaves and debris in a gutter.

Page 4, lines 19-22 in the specification read as follows: "*With the workman positioned as described, and with a rod twelve feet in length, the workman can rake in pine straw and debris twelve feet away from his left side and twelve feet away from his right side without moving or leaving the ladder.*" That is not possible

unless the rod and rake are moved under spikes extending twelve feet from the workman.

It is respectfully submitted that new claims 13-16 do not contain new matter.

Concern was also expressed at the interview about the stated size of applicant's apparatus being effective in gutters of different sizes. This issue is addressed in the specification at page 5, beginning in line 3:

There are gutters having bottom walls of different widths and side walls of different heights extending from the bottom walls. The invention is described for use in a gutter having a bottom wall three inches wide, side walls extending three inches up from the bottom wall and fastened to a roof with spikes spaced along the gutter and extending through the upper portions of the side walls. When the apparatus is used with gutters of different sizes, the dimensions of the apparatus must be modified as appropriate to gain the benefit of the apparatus (emphasis added).

The spacing of the spikes is addressed on page 4, line 15, where it is said the spikes are commonly placed about every four feet along a gutter.

The spikes in a gutter are obstacles that have to be overcome in the cleaning of gutters. The prior art overcame these obstacles with apparatus that could collect debris between spikes and from beneath spikes but the collection had to stop at each spike while the apparatus was lifted over or around each spike and reinserted in the gutter on the other side of each spike.

This limited the length of gutter to be cleaned in any single sweep to just the length of the gutter between spikes. The cited patents to Smith and Kilpatrick are exemplary of the prior art.

Smith describes his gutter cleaning in column 4, lines 27-31:

"The scoop 10 is constructed long enough to operate under and past gutter support bracing so that material scooped

up remains within the scoop as the scoop is withdrawn and emptied prior to reinsertion in the gutter beyond the blocking support" (emphasis added).

Kilpatrick's gutter-cleaning tool comprises a rake and a handle adjustably connected to the rake. A person on the roof manipulates the handle to control the rake. Kilpatrick describes the action at each spike in column 6, lines 23-37:

"To completely clean under the gutter hanging spike 48, when the rake member 10 is inserted into the gutter 14, the handle 12 is placed adjacent to the gutter hanging spike 48 as shown in Figure 2. Once in this position, the bottom edge 24 of the rake member 10 may be turned slightly backward, and by then turning the handle 12 counterclockwise, the bottom edge 24 of the rake member 10 will turn until it is slightly forward of the handle 12, to move the debris under the spike 48. The device 8 is then lifted out of the gutter 14 and reinserted into the gutter 14 on the opposite side of the gutter hanging spike 48 with the bottom edge 24 of the rake member 10 again tilted slightly backward" (emphasis added).

Applicant is the first to clean gutters with apparatus that moves under the spikes, not over them.

Original claim 9 is an apparatus claim, rejected as unpatentable over Jordan. Jordan discloses and claims a cultivating implement that is a garden tool, described in the last Office action as being capable of cleaning gutters. It is agreed that Jordan teaches how to narrow the width of the teeth, but not how to adjust the height of the teeth on his cultivating implement.

New claim 13 is a rewrite of canceled claim 9. Claim 13 defines over Jordan in the structure of the teeth, and in the ability of applicant's rod and rake to move under the spikes.

The three detachable teeth, 2, 3, and 4 on Jordan's cultivating implement are structured for the heavy work of penetrating the surface of the ground and then

stirring up the dirt beneath the surface. The center tooth 4 is shorter than both of the side teeth 2 and 3. Each tooth terminates in an extended downward curve to a rearwardly extending end portion with a sharpened point to dig up the ground.

In contrast, the three teeth 16 on applicant's rake, as seen in Figures 3 and 4, are fixed in place and structured for the light work of collecting leaves on the surface of the bottom wall of a gutter. The center tooth is longer than of the side teeth. The three teeth 16 terminate in a slight downward curve to a forwardly extending end portion with an upwardly and rearwardly inclined flat bottom surface.

There is clearly sufficient structural difference defined in new claim 13 to patentably define over the Jordan patent.

Original claim 11 was rejected as unpatentable over Smith in view of Kilpatrick. New claim 14 is a rewrite of canceled claim 11. Claim 14 calls for a rake that patentably defines over Smith in view of Kilpatrick by reciting: *"the rake being small enough to be manipulated through the gutter and beneath the spikes spaced approximately four feet apart responsive to manipulation of the rod by the workman"*.

Original claim 12 was also rejected on Smith in view of Kilpatrick. New claim 15 is a rewrite of original claim 12. New claim 15 defines over Kilpatrick by reciting: *"the rake being small enough to move under the spikes with the rod"*.

New claim 16 recites the pieces of equipment used by a workman and the method of using them to clean gutters in accordance with applicant's invention. There is nothing like it in the prior art.

Summary

Applicant's rod can be moved freely under the spikes with either applicant's rake or applicant's hoe. The capability of applicant's rod and its gutter cleaning tools to be moved freely along a gutter beneath a plurality of spikes avoids the time-consuming prior art practice of removing the gutter cleaning tool at each spike and reinserting it on the other side.

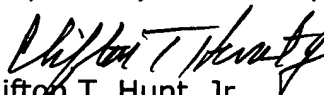
Applicant's apparatus enables the efficient and economical cleaning of gutters in a manner that has not heretofore been known.

The patents to Vernon, Konyn, Atkinson, Jordan, and Eatmon were relied upon in the rejection of canceled claims 1-10. There is no teaching or suggestion in any of these patents that the garden tools they disclose can be moved along a gutter beneath the spikes. These patents are not relevant to new claims 13-16.

For the reasons advanced, it is believed the application is now in condition for allowance. Such action is accordingly requested.

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Respectfully submitted,


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